

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR  
**CRIMINAL PUBLIC INTEREST LITIGATION NO. 1 OF 2015**

(Kanhaiya s/o Hotumal Raheja vs. The State of Maharashtra thr. the Principal Secretary, Revenue and Forest Department & Ors.)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's orders

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**CORAM : B.P. DHARMADHIKARI &  
S.B. SHUKRE, JJ.  
MARCH 18, 2015.**

Heard Shri Kulkarni, learned counsel for the petitioner, Mrs. Dangre, learned Public Prosecutor for respondent Nos. 1 to 9 , Shri Sagar Ingle, learned counsel for respondent No. 10 and Shri Sambre, learned counsel for respondent No. 12.

The effort of Shri Kulkarni, learned counsel is to demonstrate that T.P. with No.0000097 issued on 01.11.2014 has been used on more than one occasion thereby causing loss of revenue to the Government. He also produced before us a copy of T.P. No. 4336867 and 4336817 both dated 22.09.2014 issued at Gadchiroli. These copies are obtained by the petitioner under Right to Information Act. According to Shri Kulkarni, this T.P. is also used on more than one occasion for transporting sand from Gadchiroli to Bhandara. He has invited our attention to digital photographs placed on record with description to urge that there huge quantity of sand is found stored on open plots belonging to one Kisan Motwani and other persons. He states that this sand excavated from Gadchiroli has been transported to

another district i.e. Bhandara, and is stored on open plots. He states that this is being done with one Pradip Jambhulkar, who has license to excavate at Dhampuri, Chulband River/ Ghat in Lakhandur Tahsil.

The learned P.P. as also the respective counsel for the respondents submit that the material on record is insufficient to show that the transport permits have been used illegally and on more than one occasion.

The photographs on record show prima facie some sand stored on open plots. In this situation, as this Criminal PIL is pending before this Court since November 2014, looking to the nature of grievance made, we find it appropriate to grant the petitioner an opportunity to move appropriate representation complete in all respects to Respondent Nos. 7 to 9 – Collector. The representation shall give necessary particulars with Truck numbers and other details like photographs so as to enable said respondents to understand the implications. If such representation is made within a period of two weeks from today, the said respondents shall consider it independently on its own merit within a further period of four weeks. If necessary, an opportunity of hearing shall also be extended to the petitioner.

With these directions and keeping all rival contentions open, we dispose of the present Criminal Public Interest Litigation. No costs.

**JUDGE**

**JUDGE**